

BURLINGTON CONSERVATION COMMISSION
MINUTES OF AUGUST 13, 2009
BURLINGTON TOWN HALL
29 CENTER STREET, BURLINGTON, MA

Approved September 10, 2009

Present: G. Lima, G. Carey, A. McNamara, K. Melanson, N. Celik

Also present: J. Keeley Conservation Administrator and R. Newell, Conservation Assistant

Absent: L. Cohen, I. Deb,

The meeting was called to order by G. Lima, Vice Chairman at 7:00 P.M.

1. Citizen's Time – Gregory Smith, who resides at 36 College Road, was present. He stated he is concerned with litter along Tami Lane, Mellin Street and Terry Avenue. R. Newell stated the Conservation office will send an email to John Sanchez, the DPW superintendent about this. Mr. Smith also commented that some construction sites in town are quite messy.

2. Minutes – The minutes of June 25, 2009 were approved - AM/KM 4-0-1
The minutes of July 9, 2009 were approved - KM/AM 3-0-2

3. Request for Certificate of Compliance

a. 60 Mountain Road – DEP File No. 122-383

J. Keeley explained this Certificate of Compliance is for a project that was never started. No one was present for this project.

MOTION TO ISSUE A CERTIFICATE OF COMPLIANCE UNDER BURLINGTON BY-LAW ARTICLE 14 AND M.G.L. CH. 131 S. 40 FOR THE PROJECT AT 60 MOUNTAIN ROAD – DEP FILE NO. 122-383 – APPROVED 5-0-0

b. 5 Wall Street – Burlington Office Park I, Phase II – DEP File NO. 122-342

Frank DiPietro, from VHB, and Scott Weiss, from the Gutierrez Company, were present. R. Newell stated there are no outstanding issues. R. Newell did state the applicant requested a waiver of the requirement for “no salt” signs. R. Newell explained that the maintenance contract for all of the properties owned by the Gutierrez Company is handled by one company, and forbids the use of salt. A. McNamara commented she lives directly behind Wall Street and inquired why the lights are on all the time on the second floor. S. Weiss said they have safety requirements in place but will pull the blinds down at night. K. Melanson asked what is being used instead of salt and S. Weiss said they use sand, and may use calcium chloride in the future. G. Carey wanted to know if the site changes ownership, would the no salt issue stay the same. J. Keeley commented the use of sodium chloride is prohibited anywhere in the Aquifer District.

MOTION TO APPROVE AND ISSUE A CERTIFICATE OF COMPLIANCE UNDER BURLINGTON BY-LAW ARTICLE 14 AND M.G.L. CH. 131 S.40 FOR THE PROJECT AT 5 WALL STREET, BURLINGTON OFFICE PARK I, PHASE II – DEP FILE NO. 122-342 – APPROVED 5-0-0

**MOTION TO RELEASE THE PERFORMANCE BOND IN THE AMOUNT OF \$15K
FOR THE PROJECT AT 5 WALL STREET, BURLINGTON OFFICE PARK I, PHASE
II – DEP FILE NO. 122-342 – APPROVED 5-0-0**

4. Public Hearing – Notice of Intent – Building and Parking Lot Construction – 64 Blanchard Road

F. DiPietro, VHB was present on behalf of the applicant David DeAntonis. F. DiPietro stated the applicant has requested a continuance. He further stated that modifications to the project will be coming.

**ITEM CONTINUED UNTIL
THE SEPTEMBER 10, 2009 CONSERVATION COMMISSION MEETING**

6. Compliance Discussion – 62 Cambridge Street – Herb Chambers Dealership – DEP File No. 122-376

Mark Vaughan of Riemer and Braunstein, F. DiPietro of VHB, and Sal Sachetta of Herb Chambers were present. M. Vaughan reviewed the letter he received from R. Newell. M. Vaughan outlined the previous site issues and explained that these issues have been corrected. F. DiPietro passed out a letter to the Commission concerning work that has been completed and a proposal for the replication area. F. DiPietro stated that within the next week or so they will have a contract with a company to maintain the drainage system. He will submit it to the Conservation Department after it has been signed. F. DiPietro said they will do the wetland replication before October. He added that the additional landscaping will be completed in mid September. R. Newell reviewed the issues. Everything that can be done now has been done. Additional landscaping will be done. K. Melanson said she is glad the fence around the dumpster has been repaired. She then said where the pine tree is now there is mulch; she would prefer grass. F. DiPietro said he thought mulch would be better than grass in that area because it is not irrigated, and added that two more white pines will be planted in that area. G. Lima asked if the catch basins have been cleaned and F. DiPietro said they will be cleaned as soon as they hire a contractor to clean them. G. Lima stated it is important to keep trash out of the wetland, and added that if the wetland is not kept free of trash, the Conservation Commission will require that the dumpster be moved farther from the wetland, as previously discussed when the location of the existing dumpster was permitted. M. Vaughan said that he recalls that conversation, and assured the Commission that the wetland will be monitored and cleaned as necessary. G. Lima further stated if the wetland replication is not completed by October, the Commission may take part of the performance bond. F. DiPietro said the fence that fell in the brook is located on Mass Highway's right of way so it can't be moved, but they will fix it. He then asked if they could cease doing inspection reports because the site has been fully stabilized and all of the construction work has been completed, and he was told they could.

9. Administration

a. Meeting Schedule – September 10, 2009 and September 24, 2009

b. Subcommittee reports – none.

c. Other – NSTAR tree clearing. J. Keeley stated some residents on Fieldstone Drive are upset that NSTAR cut down trees. NSTAR officials said there are safety issues with wires, etc. They are managing vegetation and leaving tall bushes and treating the area to be a shrub habitat. J. Keeley further stated Conservation does not have jurisdiction since it is regulated by the state.

5. Public Hearing – Notice of Intent – Town of Burlington – Roadway and Intersection Improvements – Middlesex Turnpike & Northwest Office

T. Hayes, the Town Engineer, Matt Varrell, John Stephenson, Devleena Ghosh and Taylor Doughty of VHB were all present. T. Hayes explained the project. He stated there will be intersection improvements to three areas along Middlesex Turnpike: Burlington Mall Road, Third and Fourth Ave. There will be a new traffic signal at Third Ave. T. Hayes stated there will be stormwater upgrades to improve water quality. The roadways along Second Ave., Third Ave., Fourth Ave., and Middlesex Turnpike will be repaved. The project will be completed using stimulus money (approximately 11.5 million). The Town will put the project out to bid in October. D. Ghosh explained the wetland areas. D. Ghosh stated that Attachment C of the Notice of Intent did not have signatures. She gave them to R. Newell along with the certified abutter green cards. D. Ghosh then explained the wetland areas. She said there are 15 wetland areas on the site which were determined through previous ANRADs. She stated that wetland #1 is an intermittent stream at Second Ave. and Middlesex Turnpike. This wetland originates at Border Café and takes a 90° bend and ends at Middlesex Turnpike. D. Ghosh further stated this is the only impacted wetland besides the floodplain area at Fourth Ave. The other thirteen wetlands will not be impacted. She then described each of the remaining thirteen wetland areas, and gave the distance of the limit of work from each one. Taylor Doughty, the project civil engineer, reviewed the drainage system. He stated the site is divided into four drainage points which all drain to the Vine Brook. T. Doughty stated the new system eliminates catch basin to catch basin connections, and also eliminates untreated discharge to Vine Brook. He further stated they are adding Stormceptor units and deep sump catch basins. K. Melanson asked where they are going and T. Doughty told her one will be on Second Ave and one on Third Ave. T. Doughty said the catch basins will have deep sumps and they will be doing bank mitigation at Second Ave. He further stated there is an increase in rates at one design point at Second Ave., but there is a decrease in the runoff rates for the overall site. He said they will be depressing the road along Fourth Ave are therefore are not filling the floodplain in that area. A. McNamara asked if children can get to the culverts and asked if they will be closed. M. Varrell said he was not sure if gates will be used. G. Carey asked about increase in runoff rates and T. Doughty told her the rate would go from 215 cubic feet per second to 216 cubic feet per second. M. Varrell talked about the impacts to the bank. He passed out two handouts to the Commission and said they replace the final two sheets of the plan. M. Varrell said wetland #1 consists of a stream bank and bordering vegetated wetland. He stated the entire area was re-flagged to measure impacts. There is 375 ft. of bank impact and 1,120 sq. ft. of bordering vegetating wetland (BVW) impact. Additionally, there is 755 sq. ft. of temporary BVW alteration and 100 ft. of temporary bank alteration that will be restored. M. Varrell said they have a planting plan. He further stated they did a wetland habitat evaluation, as required by the Wetland Protection regulations when more than 50 linear ft. of bank is altered. M. Varrell said the area consists of the open water habitat of the stream, mature trees, and one portion that provides potential nesting areas. They also found three or four dead trees but didn't find many tree cavities. He said that there were no unique features in the area that could not be replicated. M. Varrell said an analysis was done to come up with the mitigation design. The applicant is proposing 315 ft. of bank mitigation and 1,165 sq. ft. of BVW mitigation. He said that they are only able to mitigate for 315 of the 375 feet of bank that they are altering because of a culvert that intersects with the channel of the new stream. He added, however, that even though they are not able to replace the same linear extent of the bank, the overall size of the bank will increase from 2,600 sq. ft. to approximately 4,000

sq. ft. due to the replication. Four snags are being replaced, along with woody debris and rock cross veins in the stream to create additional habitat. The rock cross veins will also minimize any erosion on the sides of the bank. M. Varrell said that the new stream will mimic what is out there now. J. Keeley said the resource areas involved are areas previously approved through Abbreviated Notice of Resource Area Delineations. J. Keeley said the area next to the Border Café was re-flagged. Some of the resource areas on the site are only locally regulated, under the Burlington Bylaw. J. Keeley said that the new stream has more of a meander to it than the old stream, which is an improvement. N. Celik asked if the new bank will be 20% shorter and J. Keeley explained it is because of the outlet of a culvert from the parking lot behind Border Cafe. G. Carey asked what the trees are being replaced with. M. Varrell referred to the planting schedule and commented the majority of plants are shrubs or herbaceous materials, with some maples and buffer zone tree plantings. M. Varrell also commented that the replanted trees will eventually grow quite large, similar to what is there now. K. Melanson said that wetland #1 has tree cover now and won't when it is done. She wondered why trees couldn't be planted in a specific area of the plan. J. Keeley said the area is a parking lot. K. Melanson then asked how big the cross veins will be and M. Varrell told her from wall to wall, approximately 10 ft. at the widest point and a minimum of three ft. deep. K. Melanson had questions about the scour pools in the stream and M. Varrell explained it to her. K. Melanson also had questions regarding Fourth Ave. and commented that wetland 4B and 4 are not connected according to the Notice of Intent, but in fact they are connected. M. Varrell said they used information from the previous Notice of Intents and Abbreviated Notices of Resource Area Delineation. R. Newell said the office needs more detail on the proposed snags. G. Lima asked about the sequence of how wetland #1 will be constructed and how the water will be diverted in the stream during construction. M. Varrell said that, ultimately, it will be up to the contractor. He said that they would probably dig the new channel first, while the old stream continues to flow, then divert the water into the new channel, and fill the old one. G. Carey asked if the state does not have extra money, is there any chance the planting won't happen at all. M. Varrell said when the Conservation Commission issues the permit, the mitigation becomes a requirement. K. Melanson commented that runoff has increased due to increase in impervious. She asked how the applicant proposed to mitigate for the increase in the volume of water, so that downstream properties aren't flooded. T. Doughty told her with longer flow paths in the drainage system and longer time of concentration. He also noted that some of the flows are coming from the landlocked parcel. N. Celik asked, "If the landlocked parcel is developed, will the rates increase?" T. Doughty said the developer of the landlocked parcel will be responsible for mitigating their own increases in runoff. N. Celik asked the amount of increase in impervious area and T. Doughty said it is two acres. No one was in the audience for this project. J. Keeley told the applicant to make sure provisions are made for long term monitoring of the replication areas and for the requesting of a Certificate of Compliance for this project. He said those two things should be in VHB's contract with the Town.

ITEM CONTINUED UNTIL THE SEPTEMBER 10, 2009 CONSERVATION COMMISSIN MEETING

7. Informal Discussion

a. New England Executive Office Park P.D.D.

Mark Vaughan of Riemer and Braunstein, F. DiPietro of VHB, and J. Connolly of Equity Offices were present. M. Vaughan described the history of the office park and the owner's desire to

expand/upgrade. He stated they submitted a PDD to the Planning Department and eventually will go before Town Meeting in September. Equity wants to reinvest in New England Executive Park. The site consists of ten buildings on eleven acres, which was developed back in the late 60's and early 70's. The applicants would like to rehabilitate the site and add some office space, parking, restaurants, etc.

The park is bound by Vine Brook on two sides. There will be significant upgrade in drainage once the PDD is passed. M. Vaughan said the applicant is also committed to increase green space on this property near Vine Brook. F. DiPietro explained the existing drainage system. He stated there is a small amount of sheet flow with most drainage going to the catch basins and larger culverts. There are a number of catch basins that discharge to Vine Brook. F. DiPietro commented the system is not up to today's standards. K. Melanson asked how they are going to increase the amount of office space and also increase the amount of green space, and F. DiPietro they plan on raising the height of the buildings. Also, two areas are zoned for structured parking. N. Celik said he works in an office park where there is structured parking, restaurants, etc. and said it is wonderful, and removes the need for some impervious areas. A. McNamara asked how far along the project is and M. Vaughan said they are going before Town Meeting in September. G. Lima said she would be in favor of the project if there is more green space around Vine Brook and thinks it is a great opportunity for innovative design such as green roof design, etc. G. Carey asked if the applicant is looking into green buildings and J. Connolly said they are looking into it, and looking into using energy efficient materials. J. Keeley commented the PDD requires a 15% increase in stormwater recharge.

b. 223 Middlesex Turnpike Redevelopment – This agenda item was canceled.

A motion was made to adjourn the meeting at 8:40 P.M. – 5-0-0

Minutes respectfully submitted by:

Ellen F. Longo, Principal Clerk
Conservation Department